



3 FWS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PAN et al. Confirmation No: 1239
Appl. No. : 10/646,793
Filed : August 25, 2003
Title : COMPOSITION FOR TREATING DISEASED LIVER

TC/A.U. : 1654
Examiner : P.A. Leith

Docket No.: : PANI3001/REF
Customer No: : 23364

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of August 12, 2004, in connection with the above identified application.

The Official Action is an election of species requirement. It is indicated that claims 1-29 are generic to a plurality of disclosed patentably distinct species from each of the following groups: 1) Artemisiae Capillaris, 2) Gradeniae Fructus, and 3) Rhei Rhizoma. It is Applicants understanding of the requirement that one species from each of the above groups is required to be elected. Applicants elect the following species, Artemisia Capillaris, Gardenian Jasminoides and Rheum Officinalis from each group respectively for an initial examination on the merits. This election is made without traverse.

Applicants understand that all of the claims are generic and that these claims will be considered after the elected species are examined and found allowable.

Applicants note that the process described in claim 1 is achieved by grinding these two species (Artemisiae Capillaris and Gradeniae Fructus) together, mixing and boiling subsequently. Then, alcohol solution of another specie such as Rhei Rhizoma is added to the mixture. The resulted mixture has to be proceeded with other steps to form a medical composition. In other words, the process or the medical composition can

Appl. No. 10/646,793
Amendment dated: September 13, 2004
Reply to OA of: August 12, 2004

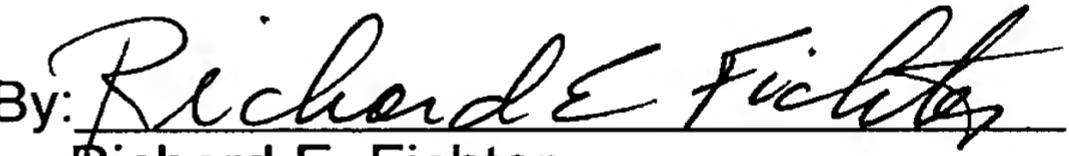
be completed only when the three species are added in different steps of the same process. For preparing the medical composition described in the present composition all three species (1) Artemisiae Capillaris, 2) Gradeniae Fructus, and 3) Rhei Rhizoma) are required in the same process for preparation. Therefore, an early and favorable action on the merits of the elected species is now in order and is most respectfully requested.

In addition, Applicants wish to note that claim 2 can be different since the fourth species (different from the above said three species) are added to the mixture.

In view of the election of the species, an early and favorable action on the merits is now believed to be in order and is most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF/kdd
ResptoElecofSpecwtraverse.wpd

September 13, 2004